

**SMITH HOPEN**  
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AUG 29 2006

**Fax**

INTELLECTUAL PROPERTY LAW

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To: U.S. Patent & Trademark Office From: Thomas E. Toner

Attn: Examiner Brian J. Sines – Art Unit 1743 Client: 1132.08

Fax: (571) 273-8300 Pages: 3 including coversheet

Phone: (571) 272-1263 Date: August 29, 2006

Re: USSN: 10/604,810 CC: Lawrence Martin

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Urgent  For Review  Please Comment  Please Reply  Please Recycle

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Dear Examiner Sines:

In response to the non-final office action mailed August 7, 2006, we enclose the following:

1. Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated August 29, 2006 (1 page); and
2. Response to Election/Restriction Requirement (1 page).

Very Respectfully,



Thomas E. Toner  
Reg. No. 57,422

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Practitioner's Docket No. 1132.08

**PATENTS****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
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In re Application of: Lawrence Martin

Art Unit: 1743  
Examiner: Brian J. Sines  
Confirmation: 1809Serial No.: 10/604,810  
Filed: 08/19/2003  
For: Hand-Held Fluid Analyzer

AUG 29 2006

Faxed to Central Fax at (571) 273-8300  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is a Response To Election/Restriction Requirement for this application.

**STATUS**

2. Applicant is an independent inventor.

**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

Reg. No.: 57,422  
 Customer No.: 21,901

**SIGNATURE OF PRACTITIONER**

Thomas E. Toner  
 Smith & Hopen, P.A.  
 180 Pine Avenue North  
 Oldsmar, FL 34677  
 (813) 925-8505

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1743, Attn: Brian J. Sines, (571) 273-8300 on August 29, 2006.

Dated: August 29, 2006



(Restriction Requirement – Transmittal)

Practitioner's Docket No.: 1132.08

## PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lawrence Martin

Serial No.: 10/604,810

Filed: 08/19/2003

For: Hand-Held Fluid Analyzer

Art Unit: 1743  
Examiner: Brian J. Sines  
Confirmation: 1809RECEIVED  
CENTRAL FAX CENTER

AUG 29 2006

Fax to Central Fax at (571) 273-8300

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicant responds to the nonfinal Examiner's action mailed August 7, 2006, having a shortened statutory period for response set to expire September 7, 2006 as follows:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

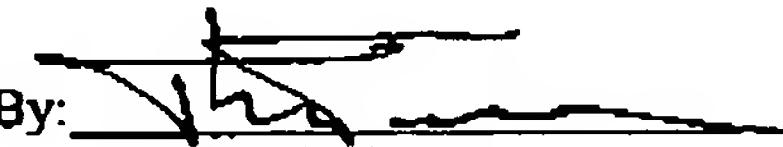
Applicant elects to prosecute Invention I, Claims 1-20, 24-36 and 38 drawn to a detection device, classified in class 422, subclass 86. This election is made without traverse.

REMARKS

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested.

Very respectfully,

SMITH &amp; HOPEN

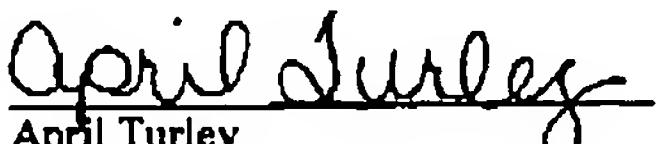
By: 

Thomas E. Toner  
Reg. No. 57,422  
180 Pine Avenue North  
Oldsmar, FL 34677  
(813) 925-8505  
Attorneys for Applicant

CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Response to Election/Restriction Requirement is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1743, Attn: Brian J. Sines, (571) 273-8300 on August 29, 2006.

Dated: August 29, 2006

  
April Turley